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June 18, 2002

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Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Re: Applicants: J. Leighton Read *et al.*
Application No.: 09/654,948
Filed: September 1, 2000
Title: Photolithographic and Other Means for
Manufacturing Arrays
Docket No.: 2719.2003-000 (18547-043210 US)

Sir:

Please find enclosed a Terminal Disclaimer, for filing in the above-referenced application.

Please charge the statutory fee in the amount of \$110.00 for filing the enclosed disclaimer to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Lisa M. Treannie
Lisa M. Treannie
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DOCKET NO. 2719.2003-000 (18547-043210 US)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

In re Application of: J. Leighton Read, Stephen P. A. Fodor, Lubert Stryer, and Michael C. Pirrung
Application No.: 09/654,948 ✓
Filed: September 1, 2000
For: PHOTOLITHOGRAPHIC AND OTHER MEANS FOR MANUFACTURING ARRAYS

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08/14/02

The owner of 100 percent interest in the instant application, Affymetrix, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,405,783, 5,384,261, and 6,329,143. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney of record.

6/18/02

Date

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